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 LONDON NEWLINE SYNDICATE  
 7 1218; NEWLINE UNDERWRITING  
 MANAGEMENT LIMITED and  
 8 NEWLINE CORPORATE NAME  
 LIMITED (UK)

9  
 10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12  
 13 ASSERTIO THERAPEUTICS, INC.,

14 Plaintiff,

15 v.

16 LLOYD'S OF LONDON NEWLINE  
 SYNDICATE 1218; NEWLINE  
 17 UNDERWRITING MANAGEMENT  
 LIMITED; and NEWLINE  
 18 CORPORATE NAME LIMITED (UK),

19 Defendants.

Case No.

**NOTICE OF REMOVAL OF  
 ACTION UNDER 28 U.S.C. §  
 1441(b) (DIVERSITY)**

20  
 21 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

22 PLEASE TAKE NOTICE that Defendants LLOYD'S OF LONDON  
 23 NEWLINE SYNDICATE 1218; NEWLINE UNDERWRITING MANAGEMENT  
 24 LIMITED; and NEWLINE CORPORATE NAME LIMITED (UK) (collectively,  
 25 the "Newline Defendants") hereby remove to this Court the state court action  
 26 described below.

27 1. On July 16, 2021, Assertio Therapeutics, Inc. ("Plaintiff") filed an  
 28 action in the Superior Court of the State of California for the County of Alameda



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country, and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. There is complete diversity of citizenship between Plaintiff and the Newline Defendants.

7. Depomed, Inc. was a corporation organized and existing under the laws of the State of California, with its principal place of business in Newark, California until August 14, 2018. Assertio Therapeutics, Inc., successor-in-interest to Depomed, Inc., is organized under the laws of Delaware with its principal place of business in Lake Forest, Illinois. [See Complaint at ¶ 25].

8. Plaintiff, Assertio Therapeutics, Inc., is, and at all relevant times herein was, domiciled in the State of Illinois, County of Lake, and is therefore a citizen of the State of Illinois. [See Complaint at ¶ 25; See *Coury v. Prot*, 85 F.3d 244, 251 (5th Cir. 1996)].

9. Plaintiff was a citizen of the State of Illinois both at the time the State Action was filed and as of the date of this Notice of Removal.

10. At the time the State Action was filed and as of the date of this Notice of Removal, Lloyd's of London Newline Syndicate 1218 was domiciled in London, England, and is therefore a citizen of a foreign country.

11. At the time the State Action was filed and as of the date of this Notice of Removal, Newline Underwriting Management Limited was domiciled in London, England, and is therefore a citizen of a foreign country.

12. At the time the State Action was filed and as of the date of this Notice of Removal, Newline Corporate Name Limited (UK) was domiciled in London, England, and is therefore a citizen of a foreign country.

13. None of the Newline Defendants is a citizen of California, where the State Action is pending.

14. In the State Action, Plaintiff seeks declaratory relief with respect to Lloyd's of London Newline Syndicate 1218's alleged duty to defend Plaintiff, or, alternatively, to reimburse Plaintiff's claim expenses, including attorneys' fees and

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1 other defense costs and expenses, under the Excess Liability Insurance Policy that  
 2 Lloyd's of London Newline Syndicate 1218 issued to Depomed, Inc., bearing  
 3 number 1700920 (the "2017 Newline Policy"), with respect to over 280 underlying  
 4 opioid lawsuits brought against Plaintiff (the "Underlying Opioid Lawsuits") and all  
 5 future opioid lawsuits that will be filed. [See Complaint at ¶¶ 1, 23].

6 15. The 2017 Newline Policy includes a \$10,000,000 limit for "any one  
 7 Occurrence or all Occurrences of a series consequent upon one source or original  
 8 cause" and an aggregate limit of liability of \$10,000,000 for "any one Period of  
 9 Insurance in respect of liability arising from the Products."

10 16. Given the extraordinary costs to defend Plaintiff in the Underlying  
 11 Opioid Lawsuits, which currently exceed 280 lawsuits, and the 2017 Newline  
 12 Policy's \$10,000,000 limit of liability at issue in this case, the amount in  
 13 controversy exceeds \$75,000, the minimum amount for jurisdiction in this Court.

#### 14 **INTRADISTRICT ASSIGNMENT**

15 17. Based on U.S. District Court Rules for the Northern District, Rule 3-  
 16 2(d), the Newline Defendants are informed and believe the Clerk will assign this  
 17 case to the San Francisco Division or the Oakland Division, as the State Action was  
 18 filed in Alameda County.

#### 19 **REMOVAL**

20 18. The Newline Defendants hereby remove this action to the United States  
 21 District Court, Northern District, as the State Action was pending in the Superior  
 22 Court of the State of California, for the County of Alameda. Removal is timely as it  
 23 is within 30 days after Plaintiff caused the Newline Defendants to be served with the  
 24 Summons and Complaint in the State Action on July 28, 2021, and within one year  
 25 from the date the Complaint was filed on July 16, 2021.

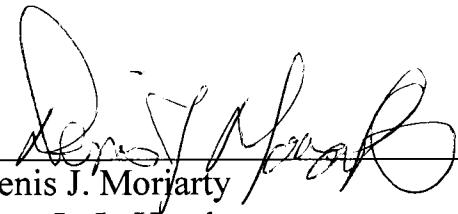
26 19. Attached hereto as Exhibit "5" are true and correct copies of the  
 27 following documents which were served on the Newline Defendants, along with the  
 28 Complaint: (a) Summons; (b) Civil Case Cover Sheet; (c) ADR Information Packet;

(d) Notice of Case Management Conference and Order; and (f) Notice of Assignment of Judge for All Purposes. The attached documents represent all notices, process and proceedings received or filed by the Newline Defendants, and to their knowledge, no hearings or proceedings have taken place in the State Action.

Dated: August 27, 2021

HAIGHT BROWN & BONESTEEL LLP

By:

  
Denis J. Moriarty  
Gary L. LaHendro  
Attorneys for Defendants, LLOYD'S OF  
LONDON NEWLINE SYNDICATE 1218;  
NEWLINE UNDERWRITING  
MANAGEMENT LIMITED and  
NEWLINE CORPORATE NAME  
LIMITED (UK)

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

*Assertio Therapeutics, Inc. v. Lloyd's Of London Newline Syndicate 1218, et al.*  
Case No.

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 555 South Flower Street, Forty-Fifth Floor, Los Angeles, CA 90071.

On August 27, 2021, I served true copies of the following document(s) described as **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.D. SECTION 1441(B) (DIVERSITY)** on the interested parties in this action as follows:

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Attorneys for Plaintiff Assertio  
Therapeutics. Inc.

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 27, 2021, at Los Angeles, California.

/s/ Monique Lopez  
\_\_\_\_\_  
Monique Lopez

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